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DETROIT

March, 3, 2007

Mr. James C. Thomas, attorney @ Law  
Buhl Building, Suite 2400  
535 Griswold St.  
Detroit, MI. 48226

Re: USA Vs. FANZI, ASSI  
Case No. 98-80695

Jim,

As a follow up to our meeting yesterday, I would like to restate my remaining concerns as follows:

The Knowledge and intent motion should be amended to reflect what the word knowingly meant and modified at the time of the indictment. The amended version of 18 USC §2389B broadened the definition of knowledge and is in violation of the ex post facto clause of the Constitution.

The motion to amend the knowledge and intent must request that the government should be required to prove, beyond a reasonable doubt, that Mr. ASSI had knowledge:

- (1) that Hizballah was a designated foreign terrorist org. and further that
- (2) Defendant ASSI had specific intent that the support would further the illegal activities of Hizballah.

Even if we adopt the government version of the story that the defendant was providing material support to Hizballah, the defendant had no knowledge whatsoever that Hizballah was a designated FTO. The government failed to present any evidence before the grand jury to prove this essential element. The grand jury may not have intended to return such an indictment and the charge should be dismissed.

Regarding Rule 11, you've sent me a letter dated Feb. 8, 2007 with the long awaited Rule 11 agreement promising to come see me before the cut off date of Feb 28, 2007. Being unable to contact you, you came to see me Friday the 2nd of March after the plea cut off date. You've ignored the plea agreement completely without giving me the opportunity to discuss its terms with you.

If you're too busy to negotiate a plea, are you going to have time to prepare and go through trial?

Taking sometime to negotiate a settlement should save a lot of time going through trial.

Regards,

Tawzi Assi  
3-3-2007

cc: Judge Gerald E. Rosen